

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.791 OF 2007

Dated: 18.12.2007

Between:

Vellala Cheruvu Gram Panchayat,
represented by its Sarpanch Smt. Aluri
Bharathi, w/o. Brahman,
Aged about 30 years,
Resident at Vellala Cheruvu Village,
Santhamaguluru Mandal, Prakasam District.

....Petitioner.

AND

The Executive Engineer,
Panchayat Raj Department,
Parchur, Prakasam District
and others.

...Respondents.

Counsel for the petitioner : Sri. C.Ramachandra Raju

Counsel for respondent Nos.1 to 3:Assistant Government
Pleader for Panchayat Raj.

Counsel for respondent No.4: Sri B.Vijaysen Reddy

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ORDER:

This writ petition is filed for a writ of Mandamus to declare the action of respondent Nos.1 to 3 in entrusting the work *viz.*, formation of C.C. Road from Railway Track to Ramalayam of Vellalacheruvu village, to respondent No.4 as without jurisdiction and contrary to G.O.Ms.No.37, dated 18.02.2005 and G.O.Ms.No.10, dated 10.01.2006. The petitioner also sought for a consequential direction to respondent Nos.1 to 3 to entrust all the civil works of various departmental programmes relating to the petitioner-Gram Panchayat to the petitioner itself and not to make payment to respondent No.4 without completion of work i.e. formation of C.C. Road.

The petitioner is a Gram Panchayat. Its main grievance as reflected from the averments contained in the affidavit filed in support of the writ petition is that respondent Nos.1 to 3 have violated G.O.Ms.No.37, dated 18.02.2005 and G.O.Ms.No.10, dated 10.01.2006, in which specific guidelines have been issued with regard to entrustment of certain works envisaged therein and implemented under 'Food For Work' schemes. Respondent No.4 has been entrusted with one such work, which is assailed by the petitioner in this writ petition.

Heard Sri C.Ramachandra Raju, learned counsel for the petitioner, learned Assistant Government Pleader for Panchayat Raj Department representing respondent Nos.1 to 3 and Sri

B.Vijaysen Reddy, learned counsel for respondent No.4.

At the outset, learned counsel for the petitioner fairly stated that since the work in question viz., formation of C.C. road from Railway track to Ramalayam of Vellala Cheruvu village was already entrusted to respondent No.4, he is not pressing the writ petition to the extent of seeking invalidation of entrustment of work to respondent No.4. He however, says that as respondent No.4 has not executed the work upto the required quality and has not completed the work entrusted to it, respondents 1 to 3 shall not make payments to respondent No.4 unless they are fully satisfied that the work is completed by respondent No.4 in all respects by maintaining the required standards.

Learned Assistant Government Pleader stated that the Executive Engineer in his counter affidavit categorically stated that so far no payment has been made to respondent No.4. He further stated that unless and until respondent Nos.1 to 3 are satisfied that the work is executed properly, no payments will be made to respondent No.4.

Sri B.Vijaysen Reddy, learned counsel representing respondent No.4 stated that out of a length of 500 metres, which was entrusted to respondent No.4, it executed the work to the length of 380 metres, which relates to 70% cash component and the remaining work which relates to 30% rice component is required to be executed and completed by respondent No.4. He however, denies the allegation that respondent No.4 has not maintained proper quality.

In the light of the submissions made by the learned counsel for the respective parties, respondent Nos.1 to 3 are directed to ensure that respondent No.4 executed the work in accordance with

the stipulated standards and it is only after their satisfaction to that effect, payments shall be made to respondent No.4 in accordance with the schedule of payments as envisaged in the work order.

Learned counsel for the petitioner further submitted that under G.O.Ms.No.37, dated 18.02.2005, as clarified in G.O.Ms.No.10, dated 10.01.2006, it is the petitioner Gram Panchayat which is entitled to be entrusted with the works connected with the 'Food for Work' programme and various other developmental programmes.

In *W.P.No.9215 of 2007 and Batch (Pallamalli Gram Panchayat, Pallamalli Village, Chimakurthy Mandal, Prakasam District v. The Government of Andhra Pradesh represented by its Secretary, Department of Panchayat Raj, Secretariat, Hyderabad)*, this Court by order, dated 27.07.2007, elaborately considered the scope of G.O.Ms.No.37. In view of the same, the requirement of this Court to go into the issue raised by the learned counsel for the petitioner is obviated and with regard to the question, whether the petitioner Gram Panchayat is alone entitled to entrustment of the works, this writ petition is disposed of in terms of the said judgment with the direction that the same shall be read as part of this order.

As a sequel to disposal of the writ petition, W.P.M.P.No.999 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 18.12.2007.
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